

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

JAMES WINEMILLER,)	
)	
Petitioner,)	
)	
v.)	Case No. 3:17-CV-932-JD-MGG
)	
WARDEN,)	
)	
Respondent.)	

OPINION AND ORDER

James Winemiller, a prisoner without a lawyer, filed a habeas corpus petition challenging his prison disciplinary hearing in ISR 17-05-76 where a Disciplinary Hearing Officer (DHO) at the Indiana State Reformatory found him guilty of Resisting Staff in violation of B-235 on May 25, 2017. ECF 1 at 1. As a result, Winemiller was sanctioned with the loss of 60 days earned credit time and demoted from Credit Class 1 to Credit Class 2. *Id.*

After Winemiller filed his petition, the finding of guilt and sanctions were vacated. ECF 8-2. The Warden has filed a motion to dismiss because this case is now moot. ECF 8. Winemiller did not file a response and the time for doing so has passed. *See* N.D. Ind. L. Cr. R. 47-2. Regardless, the court cannot overturn the disciplinary proceeding and restore his time because the Indiana Department of Correction has already vacated the proceeding and restored his time. That is to say, Winemiller has already won and there is no case left for this court to decide. Accordingly, this case must be dismissed. *See Hadley v. Holmes*, 341 F.3d 661, 664 (7th Cir. 2003) (prisoner can

challenge prison disciplinary determination in habeas proceeding only when it resulted in a sanction that lengthened the duration of his confinement).

For these reasons, the motion (ECF 8) is GRANTED and the case is DISMISSED.
The clerk is DIRECTED to close this case.

SO ORDERED on April 23, 2018.

_____/s/ JON E. DEGUILIO_____
JUDGE
UNITED STATES DISTRICT COURT